

- **Board of Directors**
Executive Committee

November 9, 2004 Board Meeting

8-2

Subject

Amend § 7310 of Metropolitan Water District Administrative Code regarding political contributions

Description

At its meeting on September 28, 2004, the Ethics Subcommittee recommended that § 7310 of the Administrative Code be amended to remove the middle paragraph. The proposed amendment is shown in ~~strikeout~~ and underscore format in [Attachment 1](#).

Section 7310 is part of the ethics policy for Directors adopted in 1995. The middle paragraph addresses solicitation and acceptance of campaign contributions by Metropolitan Directors. Because all Metropolitan Directors are appointed to the Board by their respective member agencies, Metropolitan generally is not involved in campaign matters. This paragraph of § 7310 would be relevant only to those Directors who campaign for member agency boards or other public office.

Contributions for those campaigns and any resulting conflicts of interest are currently regulated under state law. Government Code § 84308 requires recusal of any Director who has received a campaign contribution of more than \$250 from a party to a matter before the Board (or other person financially interested in the matter) in the twelve months before the matter comes to the Board from participation or voting on the matter. Section 84308 also prohibits Directors from accepting a campaign contribution of more than \$250 from a party to a matter before the Board (or other financially interested person) while the matter is pending and for three months following its conclusion. Only matters considered by the Board are covered by state law. Actions by the Chief Executive Officer that do not require board approval do not trigger the prohibitions of § 84308.

As originally drafted, § 7310 provided additional requirements to state law. Because Metropolitan does not have directly elected board members, outside counsel expert in FPPC matters recommended deletion of this section as unnecessary. Board members already must comply with § 84308 and other provisions of the Political Reform Act, and the disparate provisions of § 7310 potentially confuse the issue and make compliance more difficult.

Policy

Metropolitan Water District Administrative Code §§ 2417; 2419: Approval of changes regarding amendments to the Administrative Code

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to the provisions of CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and approve the change to the Administrative Code set forth in **Attachment 1** to reflect the change recommended in this letter.

Fiscal Impact: None

Option #2

Do not amend the Administrative Code.

Fiscal Impact: None

Staff Recommendation

Option #1

| | |
|--|-------------|
|  | 10/18/2004 |
| Deni Elliott Ethics Officer | <i>Date</i> |

| | |
|--|-------------|
|  | 10/18/2004 |
| Jeffrey Kightlinger General Counsel | <i>Date</i> |

Attachment 1 – The Administrative Code of The Metropolitan Water District of Southern California (showing additions and deletions)

BLA #3210

**THE ADMINISTRATIVE CODE OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
(showing additions and deletions)**

§ 7310. Soliciting Political Contributions.

Board members, officers, and employees are prohibited from soliciting political funds or contributions at Metropolitan facilities.

~~No Director or other officer of Metropolitan shall accept, solicit, or direct a political contribution from any person or entity which has a financial interest in a contract or other matter while that contract or other matter is pending before Metropolitan and for three months after Metropolitan renders a final decision on that contract or other matter. This prohibition shall apply regardless of whether the solicitation is made for oneself or on behalf of a candidate or political committee.~~

No Director, officer, or employee of Metropolitan shall use Metropolitan's seal, trademark, stationery, or other indicia of Metropolitan's identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law.